

OGC Has Reviewed

OGC 76-3847
12 July 1976

MEMORANDUM FOR: Deputy Director for Operations
Deputy Director for Intelligence
Deputy Director for Administration
Deputy Director for Science and Technology
Legislative Counsel

SUBJECT : Revision of Executive Order 10450

1. A Task Force under the aegis of the Domestic Council and chaired by Deputy Assistant Secretary Cooke has just completed a study of some months duration of Executive Order 10450 and has recommended to the Domestic Council an executive order to replace E.O. 10450. CIA was not a member of the task force, nor were we officially aware of its existence. I do not know the extent of contribution of other intelligence agencies, but DoD and, I believe, State took part. Since we became aware of its existence some months ago, we have been granted only a limited, informal ad hoc participation. As indicated, the Cooke Task Force has reported to the Domestic Council as of 1 July.

2. Attached is a copy of the proposed executive order, together with a memorandum and analysis by the Task Force. It is requested that addressees review the executive order as promptly as possible. If the Agency concludes that the order is seriously defective, it may be that we could and should ask the National Security Council to get into this issue and to arrange that a new study be undertaken, with intelligence and national security agencies fully involved. In this connection, from a quick reading of the Domestic Council's charter, it seems to me that the preparation of this order is not properly a matter for the Domestic Council.

3. OLC [] has circulated today a proposed letter from the Director to Mr. Cooke which would request that the order exempt CIA and that Cooke include this recommendation in his report to the Domestic Council.

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The proposed letter is somewhat at odds with the possibly desirable action of referring the whole study back for additional work by a new group. Before the Agency can determine the appropriate action, it is necessary I believe that we first determine how the Order would impact on the Agency and its interests. Request comments as soon as possible. For any information or questions, please contact [redacted], and George Cary of course is available from his office ([redacted] is on leave).

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Associate General Counsel
Chief, General Law Division

Attachment